

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, September 1, 2006

(9:15 am - 5:00 pm)

SF–State Bar Office
180 Howard Street, Room 8-B
San Francisco, CA 94105

[NOTE RE MEETING SITE: For members of the public, the open session of this meeting also can be accessed by video-conference from the State Bar Office in Los Angeles, 1149 So. Hill St., Rm. 723. Members of the public who wish to attend this meeting are asked to call Audrey Hollins at 415-538-2167.]

*[Chair's note re discussion of action items: For carry-over **items III.A, III.B, and III.C.**, only issues: (1) previously raised in preparation for the July meeting; or (2) in new supplemental materials that might be submitted by the codrafters; or (3) in an e-mail message sent out no later than **Friday, August 11, 2006**, will be considered. For **all other agenda items**, only issues posed in the agenda materials or in an email message sent out no later than **Monday, August 28, 2006**, will be considered at the meeting and, absent a language issue raised by the drafting team or in a timely email message, the language recommended by the drafting team may be deemed approved.]*

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE JUNE 9 & 10, 2006 AND JULY 28, 2006 MEETINGS

(Draft action summary for the June 9 & 10, 2006 and July 28, 2006 meetings to be circulated prior to the September meeting.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. MATTERS FOR ACTION (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*Sapiro
Melchior
Martinez

- A. Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**
[anticipated 1 hour discussion]
(Matter carried over. Previously distributed materials enclosed.)
[pages 1 – 54]

*Melchior,
Foy,
Lamport

- B. Consideration of Rule 4-300 [no corresponding ABA Model Rule] Purchasing Property at a Foreclosure or a Sale Subject to Judicial Review**
[anticipated ½ hour discussion]
(Matter carried over. Previously distributed materials enclosed.)
[pages 55 – 58]

*Lamport
Tuft
Voogd

- C. Consideration of Rule 1.8.1 [Rule 3-300]. Avoiding Interests Adverse to a Client**
[anticipated 1 hour discussion]
(Matter carried over. Previously distributed materials enclosed. In addition, Mark Tuft's comments (dated August 14th) on the July 28, 2006 meeting draft are enclosed.) **[pages 59 – 92]**

*Lamport
Foy
Melchior
Mohr
Voogd

- D. Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 93 – 110]**

*Voogd,
Julien,
Kehr

- E. Consideration of Rule 4-210 [ABA MR 1.8(e)] Payment of Personal or Business Expenses Incurred by or for a Client**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 111 – 114]**

*SeLeague
Kehr
Melchior

- F. Consideration of Rule 3-310 [ABA MR 1.7, 1.8, 1.9, 1.10, 1.11]
Avoiding the Representation of Adverse Interests**
[anticipated 1-1/2 hour discussion]
(Materials enclosed.) **[pages 115 – 184]**

*Vapnek,
Ruvolo,
Voogd,

- G. Consideration of Rule 4-200 [ABA MR 1.5] Fees for Legal Services**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 185 – 206]**

*Peck
Kehr
Sapiro

- H. Consideration of Rule 4-100 [ABA MR 1.15] Preserving Identity of Funds and Property of a Client**
[anticipated 1 hour discussion]
(Materials to be distributed prior to meeting.)

*Voogd,
Peck,
Tuft

- I. Class Action Subcommittee – Report & Recommendations**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 207 – 216]**

*Kehr
SeLeague
Foy
Melchior

- J. Consideration of Rule 3-700 [ABA MR 1.16] Termination of Employment**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 217 – 228]**